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nozzle of said device, said cap further comprising a stopper element and a pressure equalizing element which equalizes pressure inside said container and outside said container when said cap is partially gripping said nozzle, said cap further comprising a liquid containment element adapted to retain liquid in said container axially distant from an orifice, which communicates between a zone inside said device and the outside of said device, when said cap is engaged on to said nozzle.

46. (New) A cap for a liquid storage device comprising a side wall with an inner surface containing a gripping portion to engage a corresponding gripping portion of a nozzle of said device, said cap further comprising a stopper element and a liquid containment element adapted to retain liquid in said container axially distant from an orifice, which communicates between a zone inside said device and the outside of said device, when said cap is engaged on to said nozzle.--

#### REMARKS

Reconsideration is requested

Claims 1-24 have been canceled, without prejudice.

Claims 25-46 have been added and are pending. Support for the amended claims may be found throughout the specification, including the drawings. No new matter has been added.

The Section 112, second paragraph, rejection of claims 1-24 is moot in view of the above. The pending claims are submitted to be definite. The Examiner's objections are noted and have been kept in mind while drafting the above pending claims. The claims are submitted to be definite.

The Section 102 rejection of claims 1-9 and 12-24 over Mennesson (FR 2607786) is moot in view of the above. In the event the Examiner continues to reject any of the claims over the cited French language document, the Examiner is requested to utilize the services and resources of the Patent Office to provide an English translation of the cited document so that the record may be clear as to the teachings of the cited art.

The applicants understand that the Examiner has relied on Figures 1 and 4 only of the cited document. It would appear that Figures 1 and 4 of the cited document failed to disclose, teach or suggest a device containing a cap which retains liquid contained in the device axially distant from the orifice. In fact, the applicants understand the figure to teach a device wherein any liquid contained in the container will be maintained at the same level as the end of the nozzle and which is capable of flowing out of the device as soon as the annular rib (6) is no longer in contact with the end of the nozzle. The cited art therefore fails to teach each and every aspect of the presently claimed invention and the pending claims are submitted to be patentable over the cited art.

The Section 103 rejection of claims 10 and 11 over Mennesson is moot in view of the above. The claims are submitted to be patentable over Mennesson, for the reasons noted above. In the event the obviousness rejection is maintained, the Examiner is requested to indicate where the cited art motivates one of ordinary skill in the art to make

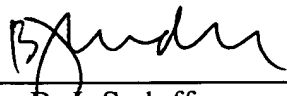
the alleged design choices noted by the Examiner. Absent the same, the cited art cannot be the basis of the *prima facie* case of obviousness of the pending claims.

The claims are submitted to be in a condition for allowance a Notice to that effect is requested. The Examiner is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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